

Rec'd PCT/PTO 08 MAR 2005

PATENT COOPERATION TREATY

10/526939

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference B020518PC jw	<b>FOR FURTHER ACTION</b>		See Form PCT/IPEA/416
International application No. PCT/EP 03/10287	International filing date (day/month/year) 16.09.2003	Priority date (day/month/year) 17.09.2002	
International Patent Classification (IPC) or national classification and IPC B01J29/89			
Applicant BASF AKTIENGESELLSCHAFT et al.			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of 3 sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input checked="" type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)), containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand 13.02.2004	Date of completion of this report 28.12.2004		
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Schoofs, B Telephone No. +31 70 340-2760		



# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/EP 03/10287

## Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
  - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
    - international search (under Rules 12.3 and 23.1(b))
    - publication of the international application (under Rule 12.4)
    - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

### Description, Pages

14-24 as originally filed

### Claims, Numbers

1-13 received on 06.08.2004 with letter of 05.08.2004

### Drawings, Sheets

1/1 as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3.  The amendments have resulted in the cancellation of:
  - the description, pages
  - the claims, Nos.
  - the drawings, sheets/figs
  - the sequence listing (*specify*):
  - any table(s) related to sequence listing (*specify*):

4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
  - the description, pages
  - the claims, Nos. 1-13
  - the drawings, sheets/figs
  - the sequence listing (*specify*):
  - any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/EP 03/10287

**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes:	Claims
	No:	Claims 1-5,15-17,19
Inventive step (IS)	Yes:	Claims
	No:	Claims 6-14,18
Industrial applicability (IA)	Yes:	Claims 1-19
	No:	Claims

**2. Citations and explanations (Rule 70.7):**

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(SEPARATE SHEET)**

International application No.

PCT/EP 03/10287

**Re Item I**

**Basis of the report**

1. The amended set of claims 1-13 as filed on 06.08.2004 introduces subject-matter which extends beyond the content of the application as filed, contrary to Article 34(2)(b) PCT.
  - 1.1 The amendment concerned is new independent claim 1. Although each of the individual process steps (I), (II), (S), (C) and (W) is as such supported by the application as filed, there is no disclosure in the application as filed to carry out these steps in the particular sequence as indicated in present claim 1. More specifically, the passages on p. 2, l. 20-24, p. 20, l. 10-26, p. 21, l. 5-14 and claim 1 as filed provide various options for carrying out the particular process steps before or after other process steps, while several process step are indicated as optional. However, there is no disclosure in the application as filed to select particular optional process step to be present or not and to combine these process step in the particular sequence as indicated in present claim 1.
  - 1.2 Since new claim 1 is not admissible, the report is established as if this amendment had not been made. Basis for the report are therefore claims 1 to 19 as originally filed.

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Reference is made to the following documents:

- D1: WO 94 02245 A (BUSKENS PHILIP LUC ;HUYBRECHTS DIANE RENATA CORNEL (BE); MARTENS L) 3 February 1994 (1994-02-03)  
D2: US-A-5 412 122 (SAXTON ROBERT J ET AL) 2 May 1995 (1995-05-02)  
D3: WO 03 042101 A (PQ HOLDING INC) 22 May 2003 (2003-05-22)